

**NEWPORT BEACH PLANNING COMMISSION MINUTES**  
**Council Chambers – 3300 Newport Boulevard**  
**Thursday, February 7, 2013**  
**REGULAR MEETING**  
**5:00 p.m.**

I. **CALL TO ORDER** – The meeting was called to order at 5:00 p.m.

II. **PLEDGE OF ALLEGIANCE** – Vice Chair Hillgren

III. **ROLL CALL**

PRESENT: Ameri, Brown, Hillgren, Kramer, Myers, Toerge and Tucker  
ABSENT: None

Staff Present: Kimberly Brandt, Community Development Director; Michael Torres, Deputy City Attorney; Leonie Mulvihill, Assistant City Attorney (arrived at 6:10 p.m.); Tony Brine, City Traffic Engineer; James Campbell, Principal Planner; Rosalinh Ung, Associate Planner

IV. **PUBLIC COMMENTS**

Chair Toerge invited those wishing to address the Commission on non-agenda items to do so at this time.

Jim Mosher complimented the Commission and staff for providing links of audio recordings of meetings on the City's website and listed the benefits of doing so.

There being no others wishing to address the Commission, Chair Toerge closed the Public Comments portion of the meeting.

V. **REQUEST FOR CONTINUANCES** - None

VI. **CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF JANUARY 17, 2013**

**Recommended Action:** Approve and file

Chair Toerge referenced written comments provided by Jim Mosher and made corrections to the minutes.

Commissioner Tucker noted corrections to the minutes.

Interested parties were invited to address the Commission on this item. There was no response and Chair Toerge closed public comments for this item.

**Motion** made by Commissioner Tucker and seconded by Vice Chair Hillgren and carried 7 – 0, to approve the minutes of the Planning Commission meeting of the January 17, 2013, Regular meeting, as amended.

AYES: Ameri, Brown, Hillgren, Kramer, Myers, Toerge and Tucker  
NOES: None  
ABSTENTIONS: None  
ABSENT: None

**VII. PUBLIC HEARING ITEMS****ITEM NO. 2 Mariner's Pointe (PA2010-114)****Site Location: 100 – 300 West Coast Highway**

Principal Planner James Campbell reported that the applicant is requesting changes to the approved architectural and landscape plans for the project. He presented an overview of the project details and location, described the previous Council-approved conceptual plan, and described the previous Commission-approved final architectural plans. He then described each of the proposed changes, including changes to the front façade and architectural features. He addressed issues pertaining to signage, commercial window displays, changes to landscaping and fountain area, the property and curb lines, and driveway access. He reported that staff is concerned with possible effects of future highway-widening efforts. He presented recommendations for consideration by the Commission.

Discussion followed regarding the previously-approved curb alignment with the proposed curb alignment.

Mr. Campbell noted the difference in hardscape and landscape material between the two plans. He explained where the transition of lanes would occur and reported that this is an on-going discussion with Caltrans.

Chair Toerge noted that the curb location moves out on the proposed plan but that the traffic flow and lane configuration is not changing.

In response to Commissioner Ameri's inquiry regarding the rationale for the change in façade, Mr. Campbell reported that it involves the cost of the building and a desire to change the elevation to create a display storefront and provides the appearance of more commercial frontage.

Commissioner Myers inquired about objections from Caltrans to the proposed plan and requested elaboration on the matter.

Mr. Campbell reported that discussions with Caltrans revolve around two different possibilities; a maintenance agreement where the applicant would assume the maintenance and liability responsibilities, and the potential of having those improvements in a partial relinquishment of the right-of-way to the City. The City would have the same type of encroachment agreement. Staff and the applicant will continue to work with Caltrans for a final decision. If there are any significant changes to the plan presented, the item will be brought back to the Commission for further review.

The applicant was invited to address the Commission at this time.

Todd Stoutenborough, Stoutenborough Architects and Planners, reported that they like the proposed solution more than the prior and referenced a conversation with Commissioner Ameri regarding the originally-proposed façade. He reported that they reviewed the matter and considered animating and enhancing the façade and noted they are happy with Caltrans' position to move the curb location out. He addressed the lowering of the height of the tower and felt that it improved the project.

In response to Commissioner Tucker's inquiry, Mr. Stoutenborough described the materials to be used on the project and noted that it will not have expansion joints.

Interested parties were invited to address the Commission on this item.

Jim Mosher felt that the project is not an example of good planning or design and that it is grossly overbuilt, too large for the site and of doubtful viability. He opined that it has poor pedestrian and vehicular access, referenced written comments and felt that the proposed facade changes are an improvement over the original approved plan. He hoped that the additional windows will not be used to post vacancy signs. He expressed concerns regarding narrowing of the lane and that it would further add to traffic problems in the area.

There being no others wishing to address the Commission, Chair Toerge closed public comments for this item.

Commissioner Myers noted that he supports the proposed improvements.

**Motion** made by Commissioner Myers and seconded by Commissioner Ameri and carried 7 – 0, to adopt Resolution No. 1907 finding the changes in the design to be in substantial conformance with the project design approved by Site Development Review No. SR2010-001 and Conditional Use Permit No. UP2010-024.

Chair Toerge commented on the plans for the transition lane and the need for a larger-view solution in the future.

AYES:	Ameri, Brown, Hillgren, Kramer, Myers, Toerge and Tucker
NOES:	None
ABSTENTIONS:	None
ABSENT:	None

**ITEM NO. 3 Uptown Newport (PA2011-134)**

**Site Location: 4311-4321 Jamboree Road, North side of Jamboree Rd. between Birch St. and Fairchild Rd.**

Associate Planner Rosalinh Ung presented background on the aforementioned item including previous consideration by the Planning Commission of the EIR, the Planned Community Amendment and the proposed PC Text phasing plan. She noted that the Planning Commission did not complete the review of the Design Guidelines, the Planned Community Development Plan proposal, the Tract Map, the Affordable Housing Implementation Plan nor the Development Agreement. She noted that after deliberations, the Planning Commission continued the item to today's meeting. She reported that based on comments from the Commission, the applicant has worked with staff extensively to address the Commission's concerns and that staff has reviewed and accepted the changes made. She reported that staff received four written comments.

Chair Toerge invited the applicant to provide a presentation.

Bill Shophoff, applicant, presented an update of the work that has occurred and commended the Commission and staff for its input. He reported on subsequent meetings with owners and tenants and addressed changes to the Affordable Housing Implementation Plan, the Conditions of Approval, the Development Agreement and revisions to the PC and Phasing plan documents based on feedback from the Commission. He addressed revisions to the Design Guidelines based on feedback from the Commission, noted planned amenities for residents and guests and reported that there is a minimum requirement of 44 square feet of private open space per residential dwelling unit and stated that over five acres of the project will be for private or public recreational space. Mr. Shopoff reported that sidewalks were expanded along the spine street to provide a pedestrian promenade to link the parks and paseos to retail uses as well as further delineating

street activators residence-serving uses that will front the spine street including fitness centers, clubhouse rooms, mail rooms, and building lobby entries.

Mr. Shopoff addressed expansions to the Architectural Design Guidelines including specific design requirements, massing and articulation, community focal points, corner conditions, balconies and railings, and materials and colors. He addressed the architectural style and proposed coming back at a later date to present prototypical building elevations and additional architectural elements. He introduced the project architect, Ken Nilmeier of MVE and listed other projects within the City of Newport Beach with which MVE has been involved.

Mr. Nilmeier presented a brief history on his organization's background and experience within the City and provided details of the Design Guideline changes. He highlighted the creation of a focal point for the project and noted the expansion of the promenade to link park spaces and create more of an active zone through the area. He reported on additional updates including modifying the building height diagram to reflect lower building heights along the north side perimeter and higher structures. He presented a brief overview of the guidelines including theme and character, urban design conditions, building orientations and architecture. Mr. Nilmeier reported that Uptown Newport has an eclectic commercial environment and stated that the intent is for the theme of a dynamic environment that would blend different styles of architecture and create a more diverse area likened to a small cityscape than a singular project. He addressed the introduction of more traditional architecture, modern contemporary aesthetics, building orientation and maintenance of a street presence, pedestrian activity, links to the parks, and enhancement of the spine street and maintaining an active pedestrian edge. He addressed mixed-use retail areas, opportunities for seating and landscaping, building design, horizontal and vertical architectural elements, creation of stepped high-rise structures, setbacks and corridor conditions.

Mr. Nilmeier addressed proposed balconies and reported that in addition to all of the project-wide guidelines, they have added a series of layers of regulations to the plan introducing mandatory inclusion of focal points at key locations and presented details of an architectural enhancement zone. He noted significant massing breaks throughout the project to minimize the perception of large, overly-scaled buildings. He reported that the goal is to create a high-quality project including special attention to various architectural areas.

Interested parties were invited to address the Commission on this matter.

Jim Mosher addressed school district issues and the adequacy of the environmental review. He felt that the process suffered from adequate vetting by EQAC and referenced Council Policy K-3. He referenced the finding of inconsistency by the Airport Land-Use Commission and expressed concerns that the Commission's recommendation to Council will include overriding their findings. He felt that the Airport Land-Use Commission provides a needed balance of checks and findings and that their input is an important consideration. He did not feel that it is in the City's interest to rush this project along and referenced written comments in which he suggested that the Planning Commission recommend sending the item back to the Airport Land-Use Commission to determine and address their concerns.

Vice Chair Hillgren inquired whether Mr. Mosher is aware of the specific issues of concern by the Airport Land-Use Commission. Mr. Mosher reported that their concerns were in relation to the fact that the project had not been finalized and they didn't want to express a final opinion on something that might go through changes. He added that they had concerns about the project creating a "wall" of buildings in an area where general aviation aircraft take off as well as whether residential zoning was appropriate in the area. Mr. Mosher also stated that their attorney indicated that if the City overrides their determination, the City would take on the responsibilities regarding their concerns in the future.

Vice Chair Hillgren noted that there are other residential projects as well as taller buildings in the area.

Mr. Mosher felt that the Airport Land-Use Commission did not deliberate on the matter entirely since they believed the project was premature at the time it was reviewed. He reiterated that he felt it is in the interest of Newport Beach citizens to have the item reviewed by the Airport Land-Use Commission before it is presented before Council.

John Adams referenced a letter from co-owners, tenants and management of the Koll Center Newport noting that one of the big issues of concerns are the setback requirements. He stated that they would like to see equal setbacks of at least thirty-four feet around the entire project. He questioned why architectural features cannot be continued along the Courthouse Plaza and the remaining Jamboree side.

Vice Chair Hillgren clarified Mr. Adams' request.

Mr. Campbell reported that buildings along that side are along the property line.

It was noted that the proposed plan provides a 15-foot setback from where it currently exists. Discussion followed regarding the location of the building wall and an adjacent service area as well as the existing configuration in comparison with the plans.

Mr. Campbell reported that the proposed setback is fifteen feet and that there is a larger setback for high-rise buildings, discussed earlier. He showed a photograph of the westerly edge conditions and noted that the mechanical spaces are behind the wall shown.

Mr. Adams reiterated that they believe the setbacks should be consistent around the entire project.

There being no others wishing to address the Commission, Chair Toerge closed public comments for this item.

Chair Toerge reported that the Commission has spent a substantial amount of time reviewing the components of the project except for the Design Guidelines, the Tract Map and conditions, the Affordable Housing Implementation Plan and the Development Agreement. He requested comments or concerns from the Commission regarding the Design Guidelines.

In response to an inquiry from Chair Toerge regarding reviewing the architectural theme at a later date, Mr. Campbell reported that the language has been presented to the Commission under separate cover.

Commissioner Tucker reported that when the project was last reviewed by the Commission, the applicant was asked to return with a architectural style of the project. He referenced changes made to the Design Guidelines and noted that there was no specific theme. Commissioner Tucker reported speaking with the applicant regarding the theme and presenting it to the Commission at the time of the Master Site Plan review. He referenced the handout distributed by the applicant and noted the objective and purpose of the Guidelines. Furthermore, Commissioner Tucker reported that "conceptual exterior elevations will be prepared for review by the Newport Beach Planning Commission as part of the Master Site Development Plan review process". He continued noting that "the prototypical elevations will clearly demonstrate the architectural style of all structures and will illustrate exterior materials, colors and building heights. The requirement shall be applied to all buildings in Phase 1 and Phase 2". Commissioner Tucker indicated that the Commission will have an opportunity to review exactly what is being proposed.

Deputy City Attorney Michael Torres departed at this juncture. (6:09 p.m.)

Assistant City Attorney Leonie Mulvihill arrived at this juncture. (6:10 p.m.)

Commissioner Tucker felt that the applicant is going a step beyond their business plan. The Commission will be able to review details at the time of the building review process. It will entail, at the developer level, exactly what will be on each pad. He reported that he will propose minor changes to the review process and stated that he feels comfortable voting in support of the project and that ultimately, the Commission will see exactly what the project entails.

Commissioner Kramer commended the applicant for their work on the Design Guidelines and indicated he supports Commissioner Tucker's recommendations with respect to the process. He stated that many of his previous concerns have been alleviated and reported that he will support the project.

Vice Chair Hillgren commended the applicant for the Design Guidelines and agreed with Commissioner Tucker's recommendation. He addressed the proposed expanded hardscape and suggested including specific dimensions relative to the expansion.

Mr. Nilmeier explained that it will be a combination of hardscape from the curb to building phase with planters and tree pockets. He reported that the overall general hardscape area will be twenty-seven feet.

Commissioner Ameri commented positively on the Design Guidelines and expressed concerns with micro-management of the project noting that focus should be on the concept. Initially, he reported that he did not like the project but felt that a variety of architecture can be implemented that will fit the site. He addressed the creation of the spine and areas with different patterns of paving and landscaping which will set the theme for related uses. He reported that his main concerns have been satisfactorily addressed.

**Motion** made by Commissioner Ameri to approve the project with the language specifically written in the agenda under recommended actions of the December 6, 2012 Planning Commission.

Commissioner Tucker reported that he will not second the motion at this time because of needed corrections to the language.

The motion failed for lack of a second.

Commissioner Tucker referenced the Design Guidelines, Section 2.4 regarding structure parking, he suggested adding "**will provide**" rather than "as anticipated". In addition, he referenced Section 3.4.10 (page 59) and suggested adding "enhanced materials application techniques".

Commissioner Brown questioned the exclusion of enhanced architectural elements along the section referenced earlier by Mr. Adams.

Chair Toerge re-opened the public hearing.

Mr. Nilmeier reported that initially, the primary focus was on the public-realm elements of the project along Jamboree and the neighborhood parks. He reported that a high level of design is anticipated throughout the project as will be demonstrated in the Design Guidelines. He added that the area was not necessarily omitted, but rather would not have some of the additional treatments recommended for the more public visible areas.

Commissioner Tucker stated that he hasn't noticed any enhanced architectural techniques on the properties that the subject properties will be facing. He felt that the applicant has done an excellent job and did not support having the entire project being enhanced.

Commissioner Myers noted agreement that the changes include substantial improvements compared to what was originally presented. He commented positively on the proposed enhancements and the opportunity for additional resident-serving retail.

Vice Chair Hillgren addressed the Land Use Development Standards relative to private open space and questioned if open space refers to open space at the ground level or on the interior or rooftops of the residential buildings.

Brian Rupp, Shopoff Group, reported that a lot of these residential products have open space on rooftops that are highly amenitized with pools, outdoor BBQs, outdoor seating areas and spas. He felt that these are areas that will provide recreational opportunities.

Vice Chair Hillgren questioned if the rooftop amenities will be included to satisfy the forty-four feet per unit of open space.

Mr. Rupp responded that it is not required, but should be eligible as open space.

Mr. Shopoff stated that the space is typically counted in Newport Beach, as long as they are public spaces or private open space.

Mr. Campbell reported that the forty-four square foot standard is within the General Plan, Land Use Policy 6.15.16 and is part of on-site recreational amenities.

Vice Chair Hillgren suggested changing the reference of forty-four feet of open space to forty-four feet of **"on-site recreational amenities"**.

Regarding the Tract Map conditions, Mr. Campbell reported that staff would like to eliminate Condition No. 15.

Regarding the Affordable Housing Implementation Plan, Mr. Campbell reported that staff would like to change the phasing of the construction relative to the percentage when the Affordable Housing units need to be occupied and constructed (Section 7.3) from 100% to **90%**.

Commissioner Tucker referenced Section VI (handwritten page 10), noted that it refers to Section 8, below, but that the correct Section is 7.

Commissioner Hillgren referenced page 4, Section 3, regarding the percentage of income for rent and ownership. Mr. Campbell reported that the provision mimics the density bonus laws and the City's zoning ordinance.

Assistant City Attorney Mulvihill reported that it is difficult, under the Housing Law, to provide ownership to the lower income range.

Regarding the Development Agreement, Commissioner Tucker noted that the definition of the Development Plan date needs to be updated in various places. In addition, he referenced page 8, relative to a defined term, lot termination date and stated that a Master Site Development Plan will go through a review process that will have specific site work improvements that need to occur. He suggested that in addition, in order for the lot to be released, the document should indicate, **"The**

**Master Site Improvement as described in the Development Plan, and approved as part of the Master Site Development Plan review, have been completed for said lot".**

Mr. Shopoff reported that he cannot get to the final Certificate of Occupancy until the preceding steps have been accomplished. He felt that the Certificate of Occupancy becomes an inclusive statement.

Assistant City Attorney Mulvihill inquired whether Commissioner Tucker's concern is with the terms of the Development Agreement that as the individual lots are completed, termination of the applicability of the Development Agreement for individual lots will occur.

Commissioner Tucker explained that he is concerned about the completion of individual lots and the termination of the Development Agreement for those lots before the master improvements are completed.

Assistant City Attorney Mulvihill requested clarification.

Commissioner Tucker reported that the concept of the Development Plan relates to what gets approved at the time the project gets approved but noted that there are subsequent approvals that need to occur that have not been presented. These will be presented at the Master Site Development Plan review process. He addressed the purpose of the Development Agreement and subsequent Certificates of Occupancy which will require additional impositions.

Commissioner Tucker reported that the Development Plan does not have any duties that go to the same level as the Master Site Development Plan review.

Mr. Shopoff suggested adding a phrase to the Development Agreement, after the Development Plan, **"and, the Master Site Development Plan improvements"**.

Vice Chair Hillgren inquired about providing guaranteed funding for maintenance of the public parks.

Ms. Mulvihill reported that maintenance funding would be addressed through the Master Association Agreement for the future maintenance of private improvements that will be treated as public. She stated that it is required as part of the Conditions of Approval.

Discussion followed regarding in lieu options in terms of the Affordable Housing and Ms. Mulvihill reported that under the terms of the AHIP, there are none.

Vice Chair Hillgren referenced Section 2.3 and inquired about the voluntary or involuntary petitions.

Ms. Mulvihill reported that is a legal term.

Mr. Shopoff agreed with adding **"bankruptcy"** to that section.

Brief discussion followed regarding Section 3.2.3 relative to the use of "may".

Vice Chair Hillgren addressed the extension and indicated that he was surprised that after fifteen years, an extension would be granted with only 250 units in place.

Ms. Mulvihill reported that her office was directed to provide that option.

Commissioner Kramer inquired regarding the school district issue as well as the undergrounding of utilities.



Mr. Shopoff reported that the undergrounding of utilities is part of the first phase of the project and that their intention is to move forward with that.

Ms. Mulvihill reported that there is no binding language in the Development Agreement either requiring the applicant to underground facilities or require the City work in good faith. She noted that there are various ways that undergrounding occurs.

Mr. Shopoff has begun the efforts with the City's Public Works Department.

Commissioner Kramer stressed the need to underground utilities and noted it increases the value of the project.

Mr. Shopoff reported inviting the Koll Center Newport to become involved with the undergrounding of utilities. Regarding the school district, he reported that they are continuing their dialogue with the Santa Ana School District and stated that he would gladly accept a non-binding resolution that encouraged the implementation of a Charter School.

Ms. Mulvihill suggested that language be added to the resolution, approving the project, citing that the Commission would be supportive of the project's effort to provide for a trans jurisdiction of the school.

Commissioner Kramer indicated that he would support the suggestion and asked that the Commission direct Ms. Mulvihill to draft language that would reflect that intent. A straw vote of the Commission resulted in consensus to direct Ms. Mulvihill accordingly.

Commissioner Tucker addressed the PC Text relative to the Master Site Development Plan review process, Section 4.2. He suggested adding the language, "the purpose of Site Development Review Process is to ensure projects within Uptown Newport PC are implemented consistent with the goals and policies of the General Plan. Provisions of this document **plans approved as part of the Master Site Development Plan review**". He addressed Section 4.2.2 and made typographical corrections. He requested adding another paragraph as follows, "**Only after first making the following findings, the development is in compliance with the Planned Community Planned Land Uses Development Standards and Procedures, is in compliance with the Design Guidelines and in substantial conformance with the Master Site Development Plan application**". Furthermore, he suggested the addition of language as follows, "**The Development shall be in substantial conformance with the preliminary plans and prototypical building elevations approved as part of the Master Site Development Plan application**".

Community Development Director Brandt reported that the documents will be renumbered appropriately.

Associate Planner Ung reported that the only additional change being requested in the resolution is the finding for the Tract Map, C-3 (handwritten page 130) regarding impacts on migratory birds be deleted. She reported that all the recommended changes are highlighted and will be incorporated into the documents.

Mr. Campbell reported that all the proposed changes will be incorporated before the documents are presented to Council.

Commissioner Tucker presented suggested changes to the resolution, page 66 of the resolution (handwritten page 71), regarding the Statement of Overriding Considerations, "**the City, considering the severity and duration of the unavoidable impacts and**". In addition, he referenced paragraph 1 regarding park land dedication, he suggested adding, "**in addition, park in-lieu fees will be available for park improvements elsewhere in the City**".

Ms. Brandt presented suggested language.

Commissioner Ameri expressed concerns regarding adding language regarding severity of impacts.

Commissioner Tucker clarified that the City, after considering the severity and duration of the unavoidable impacts, decided that the benefits of the project outweigh the impacts.

Commissioner Ameri expressed concerns with possible liability or weakening the approval of the project.

Ms. Mulvihill indicated that the item is already in the record and that discussion has already occurred regarding the severity of the impacts.

A straw vote resulted in a majority of the Commission agreeing to the changes proposed by Commissioner Tucker.

**Motion** made by Commissioner Ameri to adopt Resolution No. 1908 recommending the City Council take the following actions: Certification of Environmental Impact Report No. ER2012-001 (SCH#2010051094); and approval of Planned Community Development Plan Amendment No. PD2011-003, Planned Community Development Plan Adoption No. PC2012-001, Traffic Study No. TS2012-005, Tentative Tract Map No. NT2012-002, Affordable Housing Implementation Plan No. AH2012-001, and Development Agreement No. DA2012-003 with modifications as stated above.

In response to an inquiry from Commissioner Tucker, Ms. Mulvihill reported that the changes recommended to the EIR are included in the resolution.

Commissioner Tucker seconded the motion.

Chair Toerge addressed side yard setbacks versus front setbacks and noted that the project has many challenges, especially with the school district issue, under which the Commission has no jurisdiction. He noted there is significant mitigation required to place the residential community adjacent to heavy and medium industrial and felt the need to rely on the mitigation measures as proposed. He stated that integrating access with the adjacent business district is an important component to the project. In addition, he stated that he respects the objections from the adjacent property owners but recognizes that the ideal achievement of the General Plan regarding interconnectivity is not manifested in this project at this point. Given the way the applicant has addressed the concerns of the Planning Commission throughout the process, he expressed support for the motion.

The motion carried, 7 – 0.

AYES:	Ameri, Brown, Hillgren, Kramer, Myers, Toerge and Tucker
NOES:	None
ABSTENTIONS:	None
ABSENT:	None

## **VIII. STAFF AND COMMISSIONER ITEMS**

### **ITEM NO. 4 MOTION FOR RECONSIDERATION - None**

**ITEM NO. 5 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Ms. Brandt reported that the appeal of the Planning Commission's approval of Woody's Wharf Conditional Use Permit has been continued for Council consideration to March 12, 2013.

She added that, at its last meeting, Council approved the work program for the Balboa Village area including parking survey work for residential and commercial areas and will eventually come before the Planning Commission for its consideration.

Ms. Brandt reported there is one item scheduled on the agenda for the Commission's next meeting and stated that the Commission will be notified if that meeting is canceled.

**ITEM NO. 6 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT. - None****ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES - None****IX. ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:13 p.m.

The agenda for the Regular Meeting was posted on February 1, 2013, at 4:50 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.

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Michael Toerge, Chairman

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Fred Ameri, Secretary

Changes to the 02/07/13 draft minutes proposed by Commissioner Tucker.

NEWPORT BEACH PLANNING COMMISSION MINUTES

2/7/13

Vice Chair Hillgren noted that there are other residential projects as well as taller buildings in the area.

Mr. Mosher felt that the Airport Land-Use Commission did not deliberate on the matter entirely since they believed the project was premature at the time it was reviewed. He reiterated that he felt it is in the interest of Newport Beach citizens to have the item reviewed by the Airport Land-Use Commission before it is presented before Council.

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Brian Rupp, Shopoff Group, reported that a lot of these residential products have open space on rooftops that are highly amenitized with pools, outdoor BBQs, outdoor seating areas and spas. He felt that these are areas that will provide recreational opportunities.

Vice Chair Hillgren questioned if the rooftop amenities will be included to satisfy the forty-four **square** feet per unit of open space.

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Commissioner Kramer inquired regarding the school district issue as well as the undergrounding of utilities.

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Ms. Mulvihill suggested that language be added to the resolution, approving the project, citing that the Commission would be supportive of the project's effort to provide for a ~~trans~~-jurisdictional transfer of the school.

Commissioner Kramer indicated that he would support the suggestion and asked that the Commission direct Ms. Mulvihill to draft language that would reflect that intent. A straw vote of the Commission resulted in consensus to direct Ms. Mulvihill accordingly.

Commissioner Tucker addressed the PC Text relative to the Master Site Development Plan review process, Section 4.2. He suggested adding the language, "the purpose of Site Development Review Process is to ensure projects within Uptown Newport PC are implemented consistent with the goals and policies of the General Plan. Provisions of this document **plans approved as part of the Master Site Development Plan review**". ~~He addressed Section 4.2.2 and made typographical corrections.~~ He requested adding another ~~paragraph statement~~ as follows, **"Only after first making the following findings, the development is in compliance with the Planned Community Planned Land Uses Development Standards and Procedures, is in compliance with the Design Guidelines and in substantial conformance with the Master Site Development Plan application"**. Furthermore, he suggested the addition of language as follows, **"The Development shall be in substantial conformance with the preliminary plans and prototypical building elevations approved as part of the Master Site Development Plan application"**.

Commission Tucker addressed Section 4.2.2 and made typographical corrections. He then suggested the following additions to the findings of Section 4.2.2: The development shall be consistent with the Uptown Newport Design Guidelines, Phasing Plan "and Master Site Development Plan. Substantial conformance with the Master Site Development Plans approved by the Planning Commission pursuant to Section 4.1"

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Community Development Director Brandt reported that the documents will be renumbered appropriately.

Associate Planner Ung reported that the only additional change being requested in the resolution is the finding for the Tract Map, C-3 (handwritten page 130) regarding impacts on migratory birds be

Changes to the 02/07/13 draft minutes proposed by Chair Toerge.

"On page 10 near the bottom of the page under my comment on the motion, please delete the last sentence and insert the following:

I believe the project is greatly improved with unrestricted vehicular access to the west through the Koll property. I am concerned that if this access is not required now, it will never be achieved. However, given the way the applicant has addressed all the other concerns of the Planning Commission throughout the process, he expressed support for the motion."